

1 [Counsel for parties are listed on signature page]
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARTIN LEWIS, AARON COOPER, and) Case No. CV-08-2670-CW
ANISSA SCHILLING, on behalf of themselves)
and a class of those similarly situated,) Judge: Hon. Claudia Wilken
Plaintiffs,)
vs.) **STIPULATION AND ORDER TO
WELL FARGO & CO.,) ALLOW PLAINTIFFS LEAVE TO FILE
Defendant.) A SECOND AMENDED COMPLAINT
Action Filed: May 28, 2008
Trial Date: None Set**

1 The parties, through their respective counsel of record, hereby stipulate and agree that
 2 Plaintiffs may file a Second Amended Complaint ("SAC") to resolve the parties' disagreement
 3 regarding the Minnesota State law claims asserted by Plaintiff Anissa Schilling. The parties further
 4 stipulate and agree that Defendant Wells Fargo Bank, N.A.¹ shall have up to and including
 5 February 26, 2009 to file a responsive pleading to said SAC. In the event that this stipulation and
 6 Order is not signed and the SAC is not filed on or before February 26, 2009, any responsive
 7 pleading filed by Defendant on February 26, 2009 will nonetheless be deemed to be filed in
 8 response to the SAC, which Plaintiffs have previously provided to Defendant.

9 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**

10 DATED: February 25, 2009

/S/ - Jahan C. Sagafi

Jahan C. Sagafi

11 Richard C. Haber (admitted <i>pro hac vice</i>) 12 Laura L. Volpini (admitted <i>pro hac vice</i>) 13 HABER POLK LLP 14 Eaton Center, Suite 620 15 1111 Superior Avenue 16 Cleveland, Ohio 44114 Telephone: Facsimile: E-Mail: rhaber@haperpolk.com lvolpini@haberpolk.com	17 Kelly M. Dermody, State Bar No. 171716 18 Jahan C. Sagafi, State Bar No. 224887 19 LIEFF, CABRASER, HEIMANN & BERNSTEIN LLP 20 275 Battery Street, 30th Floor 21 San Francisco, California 94111 22 Telephone: (415) 956-1000 23 Facsimile: (415) 956-1008 24 E-Mail: kdermody@lchb.com jsagafi@lchb.com
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17 Attorneys for Plaintiffs and Class Members

18 DATED: February 25, 2009

/S/ - Alison L. Tsao

19 Alison L. Tsao

20 Timothy M. Freudenberg, State Bar No. 138257 21 Alison L. Tsao, State Bar No. 198250 22 Marianne C. Koepf, State Bar No. 191025 23 CARLTON DiSANTE & FREUDENBERGER LLP 24 601 Montgomery Street 25 Suite 350 26 San Francisco, California 94111 27 Telephone: (415) 981-3233 28 Facsimile: (415) 981-3246 E-Mail: tfreud@cdflaborlaw.com atsao@cdflaborlaw.com mkoepf@cdflaborlaw.com
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27 Attorneys for Defendant WELLS FARGO BANK, N.A.

28 ¹ Erroneously sued as "Wells Fargo & Co."

ORDER

The foregoing stipulation is approved, and IT IS SO ORDERED.

43/2/09

4 DATED: _____

Hon. Claudia Wilken
UNITED STATES DISTRICT JUDGE